FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Civil Application No. 64/2007
in
First Appeal No. 80/1991

Appeal Application No. Writ petition	District : of 200

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : Smt. V. A. Naik, J.
DATED : April 13, 2007.

Heard Shri Pathan for the applicants, and Shri D.N. Kukday for the non-applicant/appellant.

It appears that two appeals were filed by the Insurance Company, one against the members of Rathod family, i.e. Mohan Rathod and others, bearing First Appeal No. 80 of 1991, and the other against Pannibai Sharma and others, bearing First Appeal No.81 of 1991. It appears from the record that the appellant-Insurance Company has deposited the amount payable under the Award in both these matter in this Court. When the First Appeal No.80 of 1991 was listed before this Court on 6/4/1993, inadvertently, it was recorded in the order dated 6/4/1993, that the amount deposited by the appellant-Insurance Company be kept in a fixed deposit in a nationalized Bank in the name of Smt. Pannibai and the minors. Though this appears to be an inadvertent mistake as the First Appeal No. 80 of 1991 was not filed against Pannibai, but was filed

against Mohan Rathod and others, a similar order directing the deposit to be made with a nationalized bank in the name of Smt. Pannibai and others was also passed in First Appeal No. 81 of 1991. The applicants/respondent nos. 1 to 10, therefore, seek permission to withdraw the amount lying in the fixed deposit account in the name of Pannibai and others in First Appeal No. 80 of 1991 as Shri Pathan who appears on behalf of Smt. Pannibai in First Appeal No. 81 of 1991 submitted that Pannibai has also withdrawn the amount to which she is entitled to under the Award deposited in First Appeal No. 80 of 1991.

Shri D.N. Kukday, the learned counsel for the appellant-Insurance Company, does not have any serious objection to the prayer made by the applicants as the first appeal filed by the Insurance Company is already dismissed by the order dated 8th December, 2005.

The applicant/ respondent no.4- Karnabhai Mohab Rathod is, therefore, permitted to withdraw the amount deposited by the appellant, for himself and on behalf of other applicants.

Civil application is allowed in the aforesaid terms and disposed of.

JUDGE

RMP